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Emily B Caudill REGULATIONS COMPILER

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 704 KAR 7:090. Homeless Children and Youth Education Program.

6 RELATES TO: KRS 156.035, KRS 156.029, 42 U.S.C. 11432

7 STATUTORY AUTHORITY: KRS 156.160, 156.070

8 NECESSITY, FUNCTION, AND CONFORMITY: In accordance with the McKinney-Vento

9 [~~Stewart B. McKinney~~] Homeless Assistance Act as amended under the Every Student Succeeds

10 Act of 2015 [~~Amendments of 1990~~], the Kentucky Department of Education, when applying to

11 the U.S. Department of Education for participation in programs for homeless children and

12 unaccompanied youth under the Act, shall submit an approvable plan and satisfactory assurances

13 that all requirements of the law set forth in 42 USC Section 11432 shall be met. This

14 administrative regulation implements the [~~State Board for Elementary and Secondary Education~~]

15 Kentucky Board of Education's duties pursuant to KRS 156.029 and 156.035 [~~duties~~] to develop

16 education policy, to implement acts of Congress appropriating and apportioning funds to the

17 state and to provide for the proper implementation of federal law in accordance with the state's

18 current plan. This administrative regulation sets forth criteria regarding residency policies, the

19 provision of a free, appropriate public education to homeless children and unaccompanied youth,

20 provides informal procedures for resolution of disputes regarding educational placement of

21 homeless children and unaccompanied youth, provides grants to local educational agencies for

the enrollment, retention and educational success of homeless children and unaccompanied youth, and provides for an annual count of homeless children and unaccompanied ~~[homeless]~~ youth.

Section 1. Definitions. (1) "Homeless child", "homeless children", ~~["homeless youth"],~~ and "homeless student" means a child or children who are between the ages of birth ~~[five-(5)]~~ and twenty-one (21) years inclusive and who lack a fixed, regular, and adequate nighttime residence. The term includes children and youth who are:

(a) Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; ~~[Living with their families in hotels, motels, public or private shelters or other temporary living arrangements due to the lack of a fixed, regular and adequate residence]~~

(b) Are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations; ~~[Residing in special care homes such as runaway shelters or spouse-abuse centers due to the lack of a fixed, regular and adequate residence]~~

(c) Are living in emergency or transitional shelters; ~~[Placed by parents under the care of relatives or nonrelatives due to the homeless situation of the family or due to their impoverished condition which may cause the family members to live separately from one another]~~

(d) Are abandoned in hospitals; ~~[Sleeping in a public or private place not ordinarily used as a regular sleeping accommodation for human beings]~~

(e) Have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; ~~[Sick or abandoned children staying in hospitals, who would otherwise be released if they have a place to go]~~

(f) Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and ~~[Living in campgrounds or similar temporary sites because~~

~~they lack living accommodations that are fixed, regular and adequate. Those living in
campgrounds on a long term basis in adequate accommodations shall not be considered
homeless; or]~~

(g) Migratory children who qualify as homeless because they are living in circumstances
described above. ~~[Runaway or throwaway youth who have been "thrown out" of their home-
environment and who are living in a shelter, on the street, or who move from one friend's house-
to another in a cycle of transiency]~~

(2) "Free, appropriate public education" means the educational programs and services that are
provided the children of a resident of a state, and that are consistent with state school attendance
laws. It includes educational services for which the child meets the eligibility criteria, such as
magnet schools, charter schools, compensatory education programs for the disadvantaged, and
educational programs for the handicapped and for students with limited English proficiency;
programs in vocational education; programs for the gifted and talented; school meals programs;
extended school programs; preschool programs; and programs developed by the family resource
and youth services centers.

(3) "School of origin" shall mean the school that the child or youth attended when permanently
housed, or the school in which the child or youth was last enrolled. Consistent with McKinney-
Vento as reauthorized by ESSA, this shall include preschool and designated receiving schools at
the grade level for all feeder schools when a student completes the final grade level served by the
school of origin.

(4) "Unaccompanied youth" shall mean a youth that meets the definitions of unaccompanied
youth and homeless included in the McKinney-Vento Homeless Assistance Act.

Section 2. Criteria for Program Implementation. Homeless children or unaccompanied ~~[homeless]~~ youth

who reside within the boundaries of a local school district shall be provided a free, appropriate public education. Programs for homeless children and unaccompanied youth shall be provided in a timely fashion and shall be ensured by the following actions:

(1) Each local district shall designate a person in the district to be a homeless child education liaison, ~~[coordinator and]~~ shall submit the name of the person to the Kentucky Department of Education, and shall allocate sufficient time to the homeless child education liaison to perform the required responsibilities. The ~~[coordinator's]~~ homeless liaison's responsibilities shall be to:

(a) Obtain all necessary records, including birth certificates and immunization records, of each homeless student and unaccompanied youth identified as living within the boundaries of the school district and immediately ~~[, as expeditiously as legally possible,]~~ place the student in appropriate programs. In cases where records are not readily available, the liaison ~~[coordinator]~~ shall contact the school district(s) of last attendance for verbal confirmation of essential information. The liaison ~~[coordinator]~~ shall assist the homeless student or unaccompanied youth to obtain essential records which are not in existence ~~[in order that enrollment shall not be delayed or denied];~~

(b) Receive and resolve any requests for resolution of disputes related to the educational placement of homeless students or unaccompanied youth within the district. The ~~[coordinator]~~ liaison shall provide the necessary information to the Department of Education for final resolution whenever such a request is received and is not resolved;

(c) Assist the homeless student or unaccompanied youth to obtain the appropriate program and services, including transportation and referrals to medical, dental, mental and other appropriate services;

(d) Develop procedures to ensure that homeless student or unaccompanied youth records are readily available upon request by a new receiving school district; ~~[and]~~

(e) Develop a ~~[liaison]~~ relationship with known homeless service providers and state agencies in the

community to identify and enroll homeless students or unaccompanied youth living there [-] ;

(f) Review local data indicating the prevalence of homelessness in the community and assess needs of local homeless children and unaccompanied youth with LEA administrators based on the review of data;

(g) Ensure school personnel providing McKinney-Vento services receive professional development and other support related to addressing the challenges of homelessness and supporting homeless children and unaccompanied youth;

(h) Ensure unaccompanied youth are enrolled and receive support to accrue credits and access higher education; and

(i) Receive annual department approved training, to cover at least the following topic areas:

(1) the rights and services provided for homeless children and unaccompanied youth;

(2) identification of homeless children and unaccompanied youth;

(3) the state dispute resolution process, data utilization, monitoring and reporting requirements under this regulation; and

(4) best practices to serve homeless children and unaccompanied youth.

(2) Each local district shall designate a person in the district to be a foster care liaison, shall submit the name of the person to the Kentucky Department of Education, and shall allocate sufficient time to the foster care liaison to perform required responsibilities. The foster care liaison may also be the homeless education liaison. The foster care liaison's responsibilities shall be to ensure that:

(a) A child in foster care remains in his or her school of origin, unless it is determined that remaining in the school of origin is not in that child's best interest;

(b) If it is not in the child's best interest to stay in his or her school of origin, the child is immediately enrolled in the new school even if the child is unable to produce records normally required for enrollment;

and

1 (c) That the new (enrolling) school immediately contacts the school of origin to obtain relevant academic
2 and other records.

3 Section 3. Residency. The school district of residence shall be the district in which the homeless
4 student or unaccompanied youth physically resides with his or her parent or legal custodian,
5 unless by reason of marriage, emancipation, or basic physical necessity the child resides
6 elsewhere. The school district of residence shall ensure that:

7 (1) The homeless student or unaccompanied youth is enrolled in the school attendance area in
8 which he or she is physically located or that the homeless student's or unaccompanied youth's
9 education is continued in the school of origin for the remainder of the academic year, or in any
10 case in which the family becomes homeless between academic years, for the following academic
11 year; or enroll the child or youth in any school that nonhomeless students who live in the
12 attendance area in which the child or youth is actually living are eligible to attend, whichever is
13 in the best interest of the homeless student or unaccompanied youth.

14 (2) In determining the best interests of the child or youth for purposes of making a school
15 assignment under Section 3(1) of this administrative regulation, consideration shall be given to a
16 request made by the parent or unaccompanied youth regarding school selection.

17 (3) A homeless student or unaccompanied youth shall not be denied enrollment in the school
18 district of residence due to the absence of a parent or a court-appointed guardian or custodian.
19 Such a homeless student or unaccompanied youth shall be enrolled and provided educational
20 services until such time that the school district can substantiate that the enrollment is contrary to
21 Section 1(2) of this administrative regulation.

22 (4) In the absence of a parent, and a court-appointed custodian or guardian, any medical, dental
23 and other health services may be rendered to a homeless student or unaccompanied youth who is

a minor of any age when, in the judgment of the school principal or other professional that the risk to the minor's health is of such a nature that treatment should be given without delay and the requirements of consent would result in delay or denial of treatment as stated in KRS 214.185(3)(4).

(5) Homeless children or unaccompanied youth shall not include any individual imprisoned or otherwise detained by act of Congress or a state law. Nor shall a child be classified as "homeless" to circumvent state law and administrative regulations which:

(a) Prohibit the attempted enrollment of nonresident students for the express purposes of obtaining school accommodations and services without the payment of tuition to the nonresident school district or for the purpose of obtaining specific programs not available in the school of residence; or

(b) Regulate interschool athletic recruiting by the Kentucky High School Athletic Association.

(6) School district policy shall not delay or deny the immediate [~~timely~~] provision of educational placement and appropriate services to the homeless student or unaccompanied youth, including policies related to guardianship issues.

Section 4. Resolution of Disputes. Disputes arising between or among the school district of residency; another school district; and the parent, [~~homeless~~] youth, or person in parental relationship to the homeless student or unaccompanied youth regarding the school district in which the child shall attend school or the educational placement of the homeless student or unaccompanied youth shall be resolved through the following procedures:

(1) The local district homeless child education liaison shall ensure immediate enrollment and the provision of services to the homeless child or unaccompanied youth throughout the dispute resolution process.

1 (2) All concerns regarding the education of a homeless child or unaccompanied youth shall be
2 referred to the local district liaison. If a complaint arises regarding services or placement of a
3 homeless child or unaccompanied youth the school district's homeless child education liaison
4 shall inform the homeless student or unaccompanied youth of his or her rights under the
5 McKinney-Vento Act and this administrative regulation.

6 (3) The local district liaison shall make a determination within a reasonable number of days as to
7 the complaint. The liaison will document this and all subsequent communications,
8 determinations, and evidences. A copy of that determination shall be presented to the
9 complainant. If the complaint is not resolved, the complainant will be advised by the local
10 district liaison of the opportunity to present a written request for mediation. The local district
11 liaison shall assist the representative to complete a written request for mediation, including an
12 indication of the specific point at issue.

13 (4) The mediation shall be scheduled within a reasonable number of days of the written request
14 and shall be convenient to the needs of the homeless student or unaccompanied youth. The
15 district liaison, the district(s) representative(s), and the child's representative shall be present.
16 The local district homeless liaison shall facilitate the mediation.

17 (5) During the hearing, the school district(s) shall discuss considerations that led to the
18 placement decision and the specific point in issue determined previously. The mediation may
19 also include discussion of the ability of the school district to provide continuity in educational
20 programs, the need of the homeless student or unaccompanied youth for special instructional
21 programs, the amount of time and arrangements required to transport the student to the original
22 school district, the age of the homeless student or unaccompanied youth and the school
23 placement of siblings, and the time remaining until the end of the semester or the end of the

school year. Documentation regarding those proceedings must be provided with any appeal to the state homeless coordinator.

(6) Where an agreement cannot be reached among by the parties, either party may request review by the state homeless coordinator. Upon written request, the state coordinator shall make a determination and communicate with the involved parties to discuss available alternatives and seek to resolve the dispute. Any party requesting review by the state coordinator must provide reasoning for the review including specific questions of law and or fact.

(7) Where such a request for the assistance of the state coordinator is made, the school district of residence shall provide sufficient information as required, including:

(a) A description of the situation that prompted the complaint;

(b) The name(s) and age(s) of the child or children involved;

(c) The name(s) of the involved school district personnel and the school district or districts involved; and

(d) Copies of any documentation used up to that point including reasoning for district decisions, appropriate evidence to substantiate reasoning, and other evidence the district sees relevant.

(e) All information is subject to the provisions of the Family Educational Rights and Privacy Act, 20 USC 1232(g).

(8) The state coordinator shall collect appropriate evidence, review such evidence, and provide an initial decision. Parties may request that the state coordinator's decision be reviewed by a three (3) member panel convened by the state coordinator within the Department of Education.

The three (3) member panel shall review the state coordinator's decision and either adopt the decision or reject it. If rejected, the panel shall provide an alternative finding with appropriate reasoning. The panel's decision is a final decision and not appealable. A final decision will be

1 rendered within a reasonable number of days after receiving a complaint.

2 (9) Students must be immediately enrolled in the school in which enrollment is being sought in
3 the case of a dispute, including unaccompanied youth. Enrollment must continue until the final
4 resolution of the dispute, including all available appeals.

5 (10) Unaccompanied youth have the right to receive such written notice, as well as parents or
6 guardians accompanying their children. Written explanation is required of decisions made by the
7 school, LEA, or SEA and must be in an understandable form.

8 Section 5. Annual Count. The Department of Education shall annually conduct a count of all
9 homeless children and unaccompanied youth in the state as follows:

10 (1) Local school districts shall utilize the state student information system for the collection of
11 data regarding homeless children and unaccompanied youth. ~~[Survey instruments shall be~~
12 ~~distributed to local school districts, related social agencies, and appropriate service providers no~~
13 ~~later than October 1 of each year]~~

14 ~~(2) Local school districts [social agencies, and service providers] shall report [take] an~~
15 ~~unduplicated count by school of homeless children and unaccompanied youth via the state~~
16 ~~student information system [and shall return the completed forms]~~ to the Department of
17 Education according to the time lines provided.

18 (3) The Department of Education shall develop procedures as required to ensure that the
19 homeless child count is accurate and verifiable.

20 Section 6. Local Education Agency Grants for the Education of Homeless Children and

21 Unaccompanied Youth. The Kentucky Department of Education shall make grants to local
22 education agencies (LEA) when such funds become available through a competitive application
23 process. Grants shall ~~[will]~~ be awarded to LEAs based upon the review and rating of their

1 applications. (1) Not less than fifty (50) percent of amounts provided under a grant to local
2 districts shall be used to provide primary services of tutoring, remedial education services, or
3 other education services to homeless children or unaccompanied youth [~~homeless-youths~~].
4 (2) Not less than thirty-five (35) nor more than fifty (50) percent of amounts provided to local
5 districts shall be used for related activities including expedited evaluations, professional
6 development for school personnel, referrals for medical, dental, mental and other health services,
7 transportation, before- and after-school care, and school supplies.
8 (3) A local district that desires to receive a grant shall submit an application to the Kentucky
9 Department of Education. Each application shall include:
10 (a) The number of homeless children and unaccompanied youth enrolled in preschool,
11 elementary and secondary school, the needs of such children and the ability of the district to
12 meet these needs;
13 (b) A description of the services and programs for which assistance is sought and the problems
14 sought to be addressed through the provision of such services and programs (i.e., enrollment,
15 retention and educational success);
16 (c) An assurance that assistance under the grant shall supplement and not supplant funds used
17 before the award of the grant for purposes of providing services to homeless children and
18 unaccompanied youth [~~homeless-youths~~];
19 (d) A description of policies and procedures that the district shall implement to ensure that
20 activities carried out by the district shall not isolate or stigmatize homeless children and
21 unaccompanied youth [~~homeless-youths~~];
22 (e) A description of coordination with other local and state agencies that serve homeless children
23 and unaccompanied youth [~~homeless-youths~~]; and

1 (f) Other criteria the Kentucky Department of Education deems appropriate.
2 ~~[Section 7. The "Special Amendment to School Data Form for Homeless Children/Youth" dated~~
3 ~~July 1992 and the "Homeless Children and Youth Education Program Educational and Related~~
4 ~~Services for Homeless Students Grant Application", dated May, 1993, are hereby adopted and~~
5 ~~incorporated by reference. These documents may be inspected, copied, and obtained from the~~
6 ~~Department of Education, 1715 Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky-~~
7 ~~40601, Monday through Friday, 8 a.m. to 4:30 p.m.-]~~

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

12-13-17
(Date)

Stephen L. Pruitt, Ph.D.
Commissioner of Education

12/14/17
(Date)

Mary Gwen Wheeler
Mary Gwen Wheeler, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 22, 2018 at 10 am., in the State Board Room, Fifth Floor, Sower Building, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through January 31, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel,
Kentucky Department of Education, 300 Sower Boulevard, Fifth Floor, Sower Building, Frankfort, KY
40601, phone 502-564-4474, fax 502-564-9321, email: regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 704 KAR 7:090
Contact Person: Kevin C. Brown, kevin.brown@education.ky.gov
Phone number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does: The amendments to this regulation are to bring the regulation in alignment with the changes made in the reauthorization of the McKinney-Vento Act by the Every Student Succeeds Act. This regulation is not all encompassing of the entire Homeless Education Program, but provides the required framework for essential functions and requirements under McKinney-Vento.

(b) The necessity of this administrative regulation: The amendments to this regulation are required for alignment to the State Plan, as submitted to the United States Department of Education. This regulation reflects the essential functions and requirements under McKinney-Vento, as reauthorized under the Every Student Succeeds Act.

(c) How this administrative regulation conforms to the content of the authorizing statute: The regulation conforms to the authority given to the Kentucky Board of Education in KRS 156.060 and KRS 156.070 as it establishes the homeless education program requirements for schools, districts, and KDE as mandated under the McKinney-Vento Act, 42 U.S.C. 11432, which is essential to the Board's vision and mission in its management and control over schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 156.160 requires the Kentucky Board of Education to promulgate regulations establishing standards which school districts shall meet in student, program, service and operational performance. While, this regulation does not fully encompass the Homeless Children and Youth Education Program, as described in the State Plan submitted to the United States Department of Education, it does outline the essential functions and requirements established for schools, districts, and the KDE under the McKinney-Vento Act, as reauthorized under the Every Student Succeeds Act.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendments will modify definitions, processes, and procedures so as to bring the regulation into alignment with the McKinney-Vento Homeless Education Act.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to ensure alignment between the regulation and the McKinney-Vento Act, as reauthorized by the Every Student Succeeds Act and the State Plan, as submitted to the United States Department of Education.

(c) How the amendment conforms to the content of the authorizing statute: KRS 156.160 and KRS 156.070 provides broad authority to the Kentucky Board of Education to develop education

policy, to implement acts of Congress appropriating and apportioning funds to the state and to provide for the proper implementation of federal law in accordance with the state's current plan. The McKinney-Vento Homeless Education Act provides a series of requirements that the state education agency must meet for participation in the program. This regulation fulfills the requirements of McKinney-Vento and aligns to the State Plan, as submitted to the United States Department of Education.

(d) How the amendment will assist in the effective administration of the statutes: This regulation does not fully encompass the Homeless Children Education Program, as described in the State Plan submitted to the United States Department of Education, but it does outline the essential functions and requirements established for state education agencies under the McKinney-Vento Act, as reauthorized under the Every Student Succeeds Act.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by the amendments made in this regulation include: all local school districts, although their processes will not be impacted as these changes in regulation have already been implemented to maintain compliance with McKinney-Vento; the KDE as it is tasked with providing guidance, technical assistance, and dispute resolution assistance per McKinney-Vento.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Districts will be responsible for identifying a homeless and foster care liaison that will work with schools to support students as described in the regulation. Additionally, the district will have to ensure that the liaisons are provided the opportunity to complete required training and the time and resources required to fulfill the expectations of the position. KDE will be required to identify a state homeless coordinator and a separate foster care liaison. The coordinator and liaison must be provided sufficient time and resources to fulfill the expectations of the position. School districts and the KDE are already implementing these requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Districts are required to appoint homeless and foster care liaisons. Districts were aware of this federal requirement prior to the December 2016 deadline and these individuals were already identified and have been reported to KDE. The homeless liaison was already required under No Child Left Behind, and has been continued under ESSA. Districts may appoint one person that is already employed by the district as the foster care liaison. Required training for liaisons has already been developed by KDE. As a result, there are no anticipated costs associated with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Amendments made in this regulation, especially in the area of dispute resolution, bring authority back to the local education agency, promoting an effort to resolve disputes at the local level

rather than quickly rising to the state level. This will remove vague requirements that have resulted in immediate jumps to state level review. The amendments will also result in clearer requirements for the Homeless Children Education Program as the amendments will be brought into alignment with the McKinney-Vento Homeless Education Act.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The KDE is required by McKinney-Vento to appoint a Homeless Education Coordinator at the State level. This requirement existed prior to the ESSA reauthorization. As a result, there is no additional cost as a result of this amendment.

(b) On a continuing basis: The KDE is required by McKinney-Vento to appoint a Homeless Education Coordinator at the State level. This requirement existed prior to the ESSA reauthorization. As a result, there is no additional cost as a result of this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Federal funding under Title I and McKinney-Vento is used on an ongoing basis for the implementation of this regulation. However, as indicated above, the KDE and districts have been required by McKinney-Vento to fulfill these requirements already since they existed prior to the ESSA reauthorization. As a result, there is no additional cost as a result of this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary as a result of this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment does not establish any fees, directly or indirectly.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 704 KAR 7:090
Contact Person: Kevin C. Brown, kevin.brown@education.ky.gov
Phone number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Local education agencies and KDE will be impacted, although these requirements are already being complied with because they mirror requirements under the McKinney-Vento Act which is already being enforced.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.029, KRS 156.035, KRS 156.070, KRS 156.160, and 42 USC 11432

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. KDE does not anticipate any effect on revenue or expenditures as a result of this amendment.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue.

(c) How much will it cost to administer this program for the first year? Districts are required to appoint homeless and foster care liaisons. Districts were aware of this federal requirement prior to the December 2016 deadline and these individuals were already identified and have been reported to KDE. The appointment of a homeless liaison was already required under No Child Left Behind, and has been continued under ESSA. Districts may appoint one person that is already employed by the district as the foster care liaison. The KDE is required by McKinney-Vento to appoint a Homeless Education Coordinator at the State level. This requirement existed prior to the ESSA reauthorization. As a result, there is no additional cost for the first year as a result of this amendment.

(d) How much will it cost to administer this program for subsequent years? As described above, districts are required to appoint homeless and foster care liaisons. The KDE is required by McKinney-Vento to appoint a Homeless Education Coordinator at the State level. These requirement existed prior to the ESSA reauthorization. As a result, there is no additional cost following the first year of implementation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the

fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-):NA

Other Explanation: N/A